

# FACSIMILE

CONFIDENTIAL

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<b>TO:</b>	<b>Phone Number:</b>	<b>Fax Number:</b>
<b>USPTO – Petition for Revival of an International Application</b>		(571) 273-0459
<b><u>Attention:</u> PCT Legal Staff</b>		

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<b>FROM:</b>		FOR COOLEY USE ONLY
<b>Anna Solowiej, Ph.D.</b>		REQUESTOR NUMBER: 14,112
Sender's Line:	(202) 842-7800	
Reply Fax Number:	(202) 842-7899	CLIENT MATTER: NATI-002/00US (306508-2002)
Total Pages Including Cover:	<u>3</u>	

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<b>DELIVERY:</b>	Originals Will Not Follow
<b>DATE:</b>	October 21, 2008
<b>RE:</b>	PETITION FOR REVIVAL OF AN INT'L APPLICATION PCT/GB99/01902

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**COMMENTS:**

In re Application of: Elizabeth Anne EDWARDS, et al.  
Serial No.: PCT/GB99/01902  
Filed: June 15, 1999  
Entitled: IMPROVEMENTS IN OR RELATING TO PLANTS AND PLANT PRODUCTS

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The Commissioner is hereby authorized to charge the required petition fee of \$1620, and any other charges or credits to Deposit Account No. 50-1283.

I hereby certify that this correspondence is being transmitted by facsimile addressed to Mail Stop: PCT, Commissioner for Patents, Facsimile Number (571) 273-0459 at United States Patent and Trademark Office, Alexandria, VA 22313-1450 on October 21, 2008.

By: \_\_\_\_\_

*Anna Solowiej*  
Anna Solowiej, Ph.D.

Attachments: Petition for Revival of an International Application For Patent Designating the U.S.  
Abandoned Unintentionally Under 37 C.F.R. 1.137(b) (2 pages)

If you do not receive all of the pages or find that they are illegible, please call Sender's Name at Sender's Phone Number. 72059 v1/DC

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## EXHIBIT E

PTO/SB/64/PCT (05-07)

Approved for use through 02/28/2010. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number  
(Optional)  
1770First Named Inventor: Elizabeth Anne EDWARDSInternational (PCT) Application No.: PCT/GB99/01902 U.S. Application No.: 09/719,771  
(if known)Filed: June 15, 1999

Title:

IMPROVEMENTS IN OR RELATING TO PLANTS AND PLANT PRODUCTS

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,620 (37 CFR 1.17(m))

**2. Proper reply**

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of  
transmittal, fee, and executed Declaration (identify type of reply):

- ☒ has been filed previously on 12/18/2000 and 03/05/2001
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## EXHIBIT E

PTO/SB/64/PCT (05-07)

Approved for use through 02/28/2010, OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

This Petition is being filed for the purpose of achieving copendency of the international application PCT/GB99/01902 and its national stage filed on December 18, 2000. Although the national stage was filed about eight years ago, Applicants became aware of this issue only recently, during prosecution of a divisional application in this family, U.S. 10/632,341.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

<u>Erich E. Veitenheimer</u>	<u>Oct. 21, 2008</u>
Signature	Date
<u>Erich E. Veitenheimer, Ph.D.</u>	<u>40,420</u>
Typed or Printed Name	Registration Number, if applicable
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Enclosures: ☐ Response  
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☐ Other (please identify):